

Zoning Text Amendment No: 04-27  
Concerning: Impervious Surface  
Requirements for the RE-2, RE-1, Rural, RC  
& RDT Zones  
Draft No. & Date: 9 – 05/27/04  
Introduced: December 14, 2004  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the Planning Board

**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- establishing a definition for the term “impervious surface” and reducing the building coverage requirement for the RE-2 Zone and establishing maximum impervious surface requirements for the RE-2, RE-1, Rural, RC and RDT Zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.32	“Development standards”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.4	“Development standards”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
***[[Double boldface brackets]]** indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. Division 59-A-2 is amended as follows:**

2       **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3       \* \* \*

4       **Sec. 59-A-2.1. Definitions.**

5       In this Chapter, the following words and phrases have the meanings indicated:

6       \* \* \*

7       **Impervious Surface:** A hard surface area that prevents or substantially impedes the  
8       natural infiltration of water into the underlying soil, resulting in an increased volume and  
9       velocity of surface water runoff. Impervious surface includes, but is not limited to,  
10      buildings, roadways, driveways, parking, sidewalks, patios and courts for sports  
11      activities.

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13           **Sec. 2. Division 59-C-1 is amended as follows:**

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15       **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

16       \* \* \*

17       **59-C-1.32. Development standards.**

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19       In addition to the following, the regulations in sections 59-C-1.34, 59-C-1.35 and 59-C-  
20      1.36 shall apply:

1

	<b>RE-2<sup>1</sup></b>	<b>RE-2C<sup>1</sup></b>	<b>RE-1<sup>1</sup></b>	<b>R-200</b>	<b>R-150<sup>3</sup></b>	<b>R-90</b>	<b>R-60</b>	<b>R-40<sup>2</sup></b>	<b>R-4plex</b>	<b>RMH 200</b>
<b>59-C-1.328. Coverage.</b>										
-Maximum percentage of net lot area that may be covered by buildings, including accessory buildings:	[2]15***	25	15***	25	25	30	35	40		25
* * *										
<u>-Impervious surface as defined in Section 59-A-2.1 (as a maximum percentage of the net lot area):</u>		<u>20*</u>			<u>20*,**</u>					

2 \_\_\_\_\_

3 \* \* \*

4 \* Any lot with an impervious surface area greater than 20% of the net lot area and  
 5 lawfully existing prior to (the effective date of the ZTA), is a conforming lot but  
 6 must not increase in impervious surface.

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8 \*\* Impervious surface requirements do not apply to the cluster method of  
 9 development.

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11 \*\*\* If building coverage for a permitted use exceeds 8.5% in the RE-2 Zone and 11%  
 12 in the RE-1 zone, a site layout design must be submitted to the Department of  
 13 Permitting Services. The site layout design must demonstrate compliance with the  
 14 impervious surface standards of this chapter prior to the issuance of a building  
 15 permit.

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19 **Sec. 3. DIVISION 59-C-9 is amended as follows:**

20 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

1 \* \* \*

2 **59-C-9.4. Development standards.**

3 The following requirements apply in all cases, except as specified in the optional  
 4 standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and the  
 5 exemption provisions of section 59-C-9.7.

6 \* \* \*

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	Rural	RC	LDRC	RDT	RS	RNC
* * *						
<b>59-C-9.46. Maximum Lot Coverage.</b>						
-No more than this percentage of the net lot area may be covered by buildings, including accessory buildings. <sup>2</sup>	10***	10***	10	10***	10	10
- <u>Impervious surface as defined in Section 59-A-2.1 (as a maximum percentage of the net lot area):</u>	<u>20*</u>	<u>20*</u>		<u>15**</u>		

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9

10 \* \* \*

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12 \* Any lot with an impervious surface area greater than 20% of the net lot area and lawfully existing prior to (the effective date of the ZTA), is a conforming lot but must not increase in impervious surface.

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17 \*\* Any lot with an impervious surface area greater than 15% of the net lot area and lawfully existing prior to (the effective date of the ZTA), is a conforming lot but must not increase in impervious surface.

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1    \*\*\* If building coverage for a permitted use exceeds 3% in the Rural and RDT Zones  
2    and 7.5% in the RC Zone, a site layout design must be submitted to the Department  
3    of Permitting Services. The site layout design must demonstrate compliance with  
4    the impervious surface standards of this chapter prior to the issuance of a building  
5    permit.

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7    \* \* \*

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9        **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the date of  
10      Council adoption.

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12      This is a correct copy of Council action.

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17      Mary A. Edgar, CMC

18      Clerk of the Council